

Exhibit B

Ann C. Flannery

From: Ann C. Flannery
Sent: Thursday, December 23, 2021 4:47 PM
To: Jason Bologna (Jason.Bologna@usdoj.gov)
Cc: marykay.costello@usdoj.gov
Subject: RE: Mitchell White - objections to Thomas slides

Jason –

In addition to the objections previously noted, Slide 22 presents what is described as Dr. Thomas' working definition of addiction. There are only three references to addiction in the expert disclosure/report: he opines that one patient (Cottman) was a cocaine addict; he opines that another (Lao) "acted as an opioid addict" by requesting an early refill; and he quotes the word "addict" from a patient chart (Johnson). Dr. Thomas' basis for these two opinions and for his "working definition" have not been disclosed, nor is there anything in his CV that describes his qualifications for opining as an expert on addiction.

If you intend to have Dr. Thomas qualified as an expert to opine on the subject of addiction, please make the required disclosures.

Thank you,
Ann

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From: Ann C. Flannery
Sent: Wednesday, December 22, 2021 2:02 PM
To: Jason Bologna (Jason.Bologna@usdoj.gov) <jason.bologna@usdoj.gov>
Cc: marykay.costello@usdoj.gov
Subject: Mitchell White - objections to Thomas slides

Jason –

Thank you for speaking with me yesterday. To memorialize my objections to the slides:

No. 1 – I generally object to Dr. Thomas using the slides for freeform testimony (rather than question and answer), so this slide is unnecessary, and the word "Primer" is objectionable – this is not basic material, and he is not a lecturer.
No. 14 – Regarding the 1500% statistic, this opinion and the reasons and basis for it have not been disclosed as required under Rule 16.

EXHIBIT B

No. 15 – I object to Dr. Thomas (or any witness) testifying as to how or what others “think,” and that line on the slide is objectionable. I reserve an objection to the substance of this slide; you were not able to tell me what it means.

No. 16 – As you noted, this slide sets forth an opinion of Dr. Thomas’. I object to the title – “Universal Precautions in Pain Medicine” (in quotes) as it connotes something more than an opinion.

Nos. 24 and 25 - I object to these slides in their entirety, and to any reference at trial to the opioid crisis and deaths in Philadelphia.

Regards,

Ann

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